



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Served: October 31, 2000

Issued by the Department of Transportation
on the 26th day of October, 2000

Application of

**DAYSTAR AIRWAYS, LTD.
d/b/a NEVIS EXPRESS**

Docket OST-99-5062 - 5

for a certificate of public convenience and necessity
under 49 U.S.C. 41102 to engage in foreign scheduled
air transportation of persons, property, and mail

ORDER STAYING EFFECTIVENESS OF CERTIFICATE

Summary

By this order, we are staying for a period of up to 30 days the effectiveness of the section 41102 certificate issued to Daystar Airways, Ltd. d/b/a Nevis Express authorizing it to engage in foreign scheduled air transportation of persons, property, and mail.

Background

By Order 99-10-18, served October 22, 1999, the Department found Daystar fit, willing, and able to conduct foreign scheduled air transportation and issued it a certificate of public convenience and necessity authorizing it to engage in such transportation. Under the terms of Order 99-10-18, the certificate would become effective on the sixth business day after we received (1) a copy of the carrier's Air Carrier Certificate and Operations Specifications from the Federal Aviation Administration (FAA) authorizing it to engage in foreign scheduled operations, (2) evidence of liability insurance coverage that meets the requirements of section 205.5(b) for all of its aircraft, (3) a statement of any changes it had undergone in areas affecting its fitness subsequent to the issuance date of Show Cause Order 99-8-16, and (4) evidence that Daystar had available funds sufficient to meet the Department's financial fitness criteria.

On October 19, 2000, Daystar submitted to the Department evidence that it had been issued an Air Carrier Certificate and Operations Specifications under Part 135 from the FAA and a copy of a certificate of insurance that met the requirements of our regulations. Since this was not all of the fitness information needed to make Daystar's

certificate authority effective, we telephoned the carrier on October 23 to advise them that by October 27, they also needed to furnish updated financial documents and compliance information for Daystar, a statement indicating any changes the carrier may have undergone in areas affecting its fitness subsequent to the issuance date of Show Cause Order 99-8-16, and a revised list of its pre-operating expenses.

Unless we act to stay the effectiveness of Daystar's certificates by October 27 (the sixth business day after we received evidence of its FAA certification) its certificate would become effective on that date. However, since the information received from Daystar, thus far, remains inadequate for us to determine the company's continuing fitness to operate the services covered by its certificate, we have decided to stay the effectiveness of the certificate for a period of 30 days or until its continuing fitness can be established, whichever occurs sooner.

During the period of this stay, we will work closely with Daystar to resolve our outstanding fitness issues. However, if a determination that Daystar continues to be fit cannot be accomplished within 30 days, we intend to issue another order staying Daystar's certificate authority and/or initiating steps to rescind this authority.

ACCORDINGLY, acting under authority assigned by the Department in its Regulations, 14 CFR 385.12(a)(5)(ii):

1. We stay the effectiveness of the certificate issued to Daystar Airways, Ltd. d/b/a Nevis Express by Order 99-10-18 for 30 days from the date of this order or until we have reached a determination that Daystar Airways, Ltd. d/b/a Nevis Express remains fit to conduct the operations authorized by its certificate.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.30, may file their petitions within 10 days of the date of service of this order.

The action taken in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

SERVICE LIST FOR
DAYSTAR LTD
D/B/A NEVIS EXPRESS

Attachment A

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